

Minutes of the Planning Commission meeting held on Thursday, December 18, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Ray Black
Kurtis Aoki
Jeff Evans
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

APPROVAL OF MINUTES

Tim Taylor asked for additions or corrections to the minutes of October 16, 2008 and November 6, 2008. Karen Daniels made a motion to approve the minutes as submitted. Seconded by Ray Black.

A voice vote was made. The minutes were approved unanimously (7-0).

APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Facts for Wasatch C.N.G. for a Conditional Use Permit, and also for Mountain View Rehabilitation Center for a Conditional Use Permit and Certificate of Appropriateness. Seconded by Sheri Van Bibber.

A voice vote was made. The Findings of Fact were approved unanimously (7-0).

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

FURST CONSTRUCTION – 930 East 6600 South

Adam Maher was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit review for the establishment of a self-storage use. The development is located at 6600 South 900 East. The existing building houses Audrey's, a furniture store. The zoning for the property is C-D-C and G-O. A small portion of the parking lot has a different zoning designation but does not affect the application. The applicant proposes to provide parking in the existing lot to the east of the building. The property slopes to the south

with a moderate difference in grade between the front and rear of the building. A copy of the floor plan was presented and a discrepancy was noted between the number of units described in the staff report and those on the actual plan. The number should be 552. It is incorrectly listed as 422 in the staff report. The plan is to add some additional stories to the rear of the building. The building height proposed is 58 feet, which is in the limits allowed by the C-D-C zone. The elevations of the building were reviewed. There will be exterior accesses, and the individual climate controlled units will be accessed from the interior. Upper floors are accessed via an elevator.

Adam Maher, 5125 West 2100 South, stated that he has reviewed the conditions recommended by staff. He confirmed that he will be able to meet the conditions. He stated that Chad Wilkinson understands what he's trying to accomplish and has presented it well. He stated that they built the original Audrey's storage building 13 years ago, so he's very familiar with the plan. The changing nature of the area and the neighborhood will work well for what is proposed.

Kurtis Aoki asked if Adam Maher had done this type of storage unit previously. Adam Maher confirmed that he has, that the company has built 11 different storage facilities across the West, but this is the first one that they will own. His company has been involved in several similar projects in Utah, but they've been traditional slab on grade fortress style or interior warehouse facilities. The self-storage industry is going through a major change and it has been determined to be a retail need. This will be the first multi-story retrofit that they'll build, but he thinks this is the direction the industry is going. His company has been a member of the Self-Storage Association of America for 9 years and they attend annual trade shows. 80% of the self-storage dollar is commanded by the housewife, so it has been determined that a retail location with climate controlled, interior space will meet those demands. The facility will capitalize on the high traffic, freeway visibility and convenience.

Kurtis Aoki asked about the hours of operation and security. Adam Maher stated that the general tenant has business hours access, so the manager is not a 24 hour live-in manager. Businesses can pay extra to have a higher level of security where they can get in 24 hours a day, 7 days a week. On the exterior of the building there will be a slide card that will let them in. Once they punch in their number, the lights for that hallway and floor will turn on and they will only have access to that area. The remote manager will be recording, and there is a panic button that can be used if someone needs help, which goes to a 24 hour service.

There were no public comments on this issue.

Ray Black made a motion to approve the Conditional Use Permit for Furst Construction for a self-storage use, located at 930 East 6600 South, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.

3. Submit a soils report prepared by a geotechnical engineer at the time of building permit.
4. Building plans shall include architectural, electrical, mechanical and plumbing plans prepared by appropriate design professional.
5. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
6. Driveways shall be a minimum of 25 feet in width.
7. Prior to occupancy, repair any damaged curb, gutter and sidewalk to the satisfaction of the Murray City Engineer.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Ms. Van Bibber

A Mr. Aoki

A Mr. Harland

A Mr. Taylor

A Mr. Evans

A Mr. Black

A Ms. Daniels

Motion passed, 7-0.

UTAH POWER CREDIT UNION – 957 East 6600 South

Tim Taylor reminded the public of the process of completing a form and turning it in at the time they give a comment.

Ryan Pollick was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary and final subdivision approval. The proposal is to subdivide the property into two lots. The property is located off a public street at 6600 South in the general office zone. Site plans were displayed that showed Wheeler Farm adjoining on the north side of the property. There is an existing old home on the lot that has access off 900 East. There are irrigation ditches on the north and south sides of the property, and there will need to be a meeting with the irrigation ditch companies to meet their requirements with development of the property. The lot is 5 ½ acres total. The plan is to build a credit union on the property. A preliminary drawing was reviewed, showing the location of the building. The applicant will need to reapply to the Planning Commission at a future date for a Conditional Use Permit to construct the credit union building on the property. Staff is recommending approval of the subdivision request.

Kenny Nichols, project architect, 5151 South 900 East #200, was present to answer any questions. He confirmed that he has reviewed the conditions and does not have any problems with them. He has been in contact with the irrigation company. He stated that the ultimate goal is to develop the eastern piece of property as a new credit union building, headquarters for Utah Power Credit Union. They are currently working on those plans and will be presenting them to the Planning Commission soon. The original owner will maintain possession of the west portion of the property. An easement has been created to facilitate a drive to be put on the common property line to serve both pieces.

Ray Black asked if someone currently lives in the residence. Kenny Nichols confirmed that there is a resident and pointed out that she was present at the meeting. They currently don't have plans for the other piece of property.

Tim Taylor asked if the future building will be multi-story. Kenny Nichols stated that he anticipates a two-story building with a possible basement.

Jeff Evans asked if Kenny Nichols is familiar with the R-N-B zone that the City has been involved with. Kenny Nichols was not familiar with it. Jeff Evans pointed out that there are new commercial businesses popping up that act as a buffer towards the residential areas. He suggested that a structure with a more home-like feel would be recommended, and a monument sign that would fit in well with the others on 900 East. Kenny Nichols stated that the neighbor to the east is the Extended Stay Motel, and the rehabilitation center, Advanced Health Care, is in the back. Jeff Evans stated that he was only offering the suggestion and that these are not requirements.

Chris Terry, 175 East 400 South, Suite 700, provided some additional information regarding the approval required from the rehabilitation center property owner. The current owner has a drainage easement that runs along the northern boundary of the rehabilitation facility. Tim Taylor asked Tim Tingey if that would affect anything, and Tim Tingey responded that it would not on a subdivision.

Jim Harland made a motion to approve both the preliminary and final subdivision of the property at 957 East 6600 South, for the Utah Power Credit Union, subject to the following conditions:

1. Meet the subdivision ordinance and Murray City Engineer requirements for the recording of the plat at the Salt Lake County Records Office.
2. Meet the requirements of the irrigation ditch companies' approval for the drainage ditches at the north and south sides of the property. Approval is required from the rehabilitation center property owner if drainage goes into their drainage system.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Ms. Van Bibber

A Mr. Aoki
A Mr. Harland
A Mr. Taylor
A Mr. Evans
A Mr. Black
A Ms. Daniels

Motion passed, 7-0.

Derek Wollschleger, 940 West Chesterbrook Cove, introduced himself and classmates from Murray High School's Government class. They were assigned to go to a City meeting, review an outline of the meeting and take notes on what was discussed.

MIXED USE PRESENTATION

Tim Tingey introduced himself. Staff is presenting information on some proposed modifications on the Mixed-Use zoning ordinance, as well as the areas being considered for rezoning. The Community and Economic Development department wants to ensure that there is maximum opportunity for success in areas that are zoned mixed-use. Staff referred to the areas, the Land Use Code, and best practices in planning mixed-use areas in order to prepare the presentation. Ray Christensen and Chad Wilkinson were part of a committee that evaluated the information, did research, and put together their ideas. Tim Tingey requested feedback from the Commission members.

Chad Wilkinson stated the mixed-use presentation was made to the City Council in November. The mixed-use ordinance was adopted in 2007 and allows for a variety of commercial, residential and industrial uses. The purpose of mixed-use districts is to provide for pedestrian oriented design by providing compact, mixed-use development. The idea is that people can live and work in the same general location. The general plan designation, adopted in 2003, states that the purpose of the mixed-use zone is to revitalize areas that are proximate to transit stations. Buildings are required to front on the street and there is no parking allowed between the building and the street. Front set-backs are 15 to 25 feet from the back of curb, which pushes the building closer to the street and allows for better pedestrian connectivity. So far there haven't been any owners or developers requesting to change properties to the M-U district. In order to facilitate mixed-use zones, the City has looked for an area that is appropriate to be rezoned as mixed-use. The Planning Commission previously made recommendations on appropriate areas.

The mixed-use, general plan areas were displayed on a map. The recommended area is mostly in the existing M-G-C zone along 300 West, the railroad tracks and State Street. Other areas identified as potential mixed-use zoning were reviewed. The general plan specifies which areas should be designated for mixed-use. The first qualifier is that the area should be within ¼ to ½ mile of a TRAX station, to allow pedestrians connections to transit and live in an area without relying heavily on automobiles. Existing TRAX stops were reviewed. When comparing the maps of current mixed-use areas and TRAX stations, an area clearly starts to form that would make sense to adopt as a mixed-use zone. Staff came up with recommendations on which areas would be best to adopt right away, and focused on a central mixed-use

area, specifically the area surrounding the light rail and Frontrunner station. There should be a transition area where businesses can continue to operate their industrial uses, but with some standards put in place that would keep incompatible development from happening. The standards would allow people to continue to operate while slowly transitioning to mixed-use. Owner initiated zone changes in those areas would be supported.

The potential for another light rail station has been suggested, adjacent to the downtown area. That would provide great access to downtown in addition to opening up other areas north of 4800 South for mixed-use development.

Tim Taylor asked if the City has talked to UTA about another light rail station. Chad Wilkinson responded that there have been some preliminary discussions and there have been mixed reactions from UTA. He would like to see something modeled after the City Center stops, where there are multiple stops in close proximity.

Tim Tingey added that staff is involved in a master planning effort of the downtown area. As that effort goes forward, possibilities have come to light. He indicated there is another preliminary UTA stop still in the concept phase at this point.

Chad Wilkinson reviewed the maps to show areas that would require a general plan amendment in order to be rezoned as mixed-use.

Jeff Evans stated that his district of representation is the west side of Murray. All of the plans that are displayed show I-15 as a barrier, which he doesn't agree with. He pointed out that there seems to be concentration on bridging the north/south side of the City, not the east/west. The development potential east of the I-15 corridor has been the focus. The west side has a business area and some neighborhoods that seem to be in decline. He stated that easy pedestrian access from Frontrunner and the TRAX station to the west side would be very beneficial and bring the City together. Property values and aesthetics would improve on the west side of I-15. He's also interested in improving the trail systems and trying to link the trail from Jordan River Parkway to Murray City Park.

Chad Wilkinson responded that Little Cottonwood Creek runs through the central area, which would create an amazing opportunity for an additional extension of the trail system. One of the things staff looked at was the difficulty for a pedestrian to get down 4500 South, and by focusing on the proposed area near 4800 South it creates many more options for pedestrians. This plan does not stop the City from expanding the mixed-use zone to the west. There are some west side areas in the general plan that are already specified mixed-use. The idea is to work from centers of strength. As these developments begin and the benefits become evident, expansion will take place. Staff agrees that it would be beneficial to expand to the west, although from a pedestrian standpoint there are some barriers. There are possibilities of extension to the east as well if this becomes a vital mixed-use area.

Kurtis Aoki stated that his concern is having specific guidelines. There needs to be well-lit, secure corridors because people are not going to use it if the sidewalks are not lit and consistent. He pointed out that the TRAX stations near IMC and 4500 South are both

well-lit, but as you move out of those areas the lighting becomes poor. There needs to be a feeling of security while walking through the mixed-use area.

Chad Wilkinson responded that Ray Christensen will be discussing some specific changes to the ordinance. He agreed that it is important to provide some infrastructure and that if the area is too large that will be difficult to do.

Ray Christensen reviewed the general plan with the mixed-use areas. Staff has reviewed the mixed-use ordinance and found some issues that need to be addressed with some ordinance changes. The current ordinance limits on residential development may discourage high quality pedestrian oriented residential developments. There are no limits on the size of current development except for residential use for a maximum 75% of the gross building square footage in the project. The limit for numbers of employee's for trade uses may be difficult to enforce. Currently the ordinance limits to five employees and the trade square footage to 2500 square feet, which could create large numbers of non-conforming uses in the area. Some of the possible changes with the existing ordinance would be to change the numbers of employee's and trade square footages. A change could allow 75% for commercial uses and 25% residential maximum on the ground floor only. That would allow additional residential density on the upper floors.

Tim Taylor asked for clarification on the changes of ground floor square footage. Ray Christensen responded that the ground floors would be at least 75% commercial, and it would allow up to 25% of the ground floor to be used as residential. Above that it could be residential or commercial. If someone wanted to go all commercial on the lower level they could do so, or on the total project.

Jeff Evans asked about the thought process behind determining the percentages. Ray Christensen responded that by looking at other cities and other ordinances there were no ordinances found showing this type of percentage limitations on commercial and residential as found in the City ordinance. Most projects, such as the Gateway in Salt Lake City, have mainly commercial businesses on the lower levels and residential on upper levels.

Kurtis Aoki asked if these restrictions help the developer sell the spaces because it is more appealing to have some commercial strength within the building versus being completely residential. Ray Christensen responded that there needs to be enough residential in place in order to bring in commercial that would serve those residents.

Jeff Evans asked if staff would consider applying the 25% residential rule to buildings near the central area, but as the development moves out from the major hub that more residential may be allowed if the same look is maintained. Ray Christensen stated that the 25% is just a preliminary starting point and other options can be reviewed as recommended.

Chad Wilkinson stated that one concern is having an entire mixed-use zone developed as residential. Current ordinances base commercial space on entire building square footage, whereas if the proposed percentages were put into place it would apply only to

the ground floor. It is recommended to create more vibrant, commercial ground floor uses.

Karen Daniels commented about how the lending market is viewing projects such as this. Recently she was in Colorado, where there was difficulty in getting lenders to see the potential for mixed-use. There is particular resistance to the idea of residential over retail and the resulting economic issues. Lenders are becoming more open to this idea and foresee this type of development as becoming more common.

Tim Tingey stated that on the economic development side of things he's had numerous conversations with developers, and there's no doubt that right now retail and commercial developments are struggling. People are having a hard time getting lending. This is a long-term plan and markets will likely change. It's possible that initially there may be a struggle to get some redevelopment occurring, but in the long-term this is very appropriate.

Sheri Van Bibber stated that the development going on around IMC is starting to improve and that some vacant buildings are starting to be filled. She sees this as a good direction to take. Karen Daniels added that there will be a learning process in developing commercial and residentially combined buildings.

Tim Taylor stated that he sees the specification of 75% meaning the ability to have vertical mixed-use as well as horizontal, and he sees the new wording capturing that in a more open way.

Ray Christensen commented that recommendations were reviewed to provide incentives for developers willing to meet the mixed-use standards, such as to allow site plan review of developments that meet all the mixed-use standards. Businesses that are more auto oriented or industrial may require more conditions and requirements. It is also recommended to include design standards for development to promote a compact or pedestrian friendly development, such as limiting retail to neighborhood size that may have some type of maximum square footage. It may be possible to consider allowing additional square footage for buildings that meet a minimum floor area ratio, and to modify the standards to allow for continued operation of the industrial type businesses that would transition to mixed-use in the areas outside of the central area.

The timeline suggestion to make these changes would begin sometime in January or February for open house stakeholder meetings for the mixed-use zone change. In February or March will be the Planning Commission hearing for the central mixed-use zone change and a public open house stakeholder meeting for the ordinance changes. In March or April there will be City Council hearings for the central mixed-use area zone change and also the Planning Commissions mixed-use ordinance amendments. In April or May will be the City Council meetings for the mixed-use text amendment. In June or July will be an open house meeting for the mixed-use transition zone. In July or August will be the Planning Commission hearings for the M-G-T text amendments, with City Council hearings in August or September.

Tim Taylor asked to review the map again. He is in agreement with Jeff Evans' prior comment and stated that at a minimum the area west of the freeway should be a

transition area. His concern is that if this isn't included in the transition, things may happen there that may preclude it from happening in the future. He stated that Vine Street is probably the most-used pedestrian crossing of I-15 in the City. Utah Pet Center is up for sale, along with two houses along Vine Street that were owned by Utah Pet Center. Mr. Taylor wants to preserve a path corridor along there so that if the property ever does redevelop it would be beneficial to have a trail connecting to Murray Boulevard, which would open to more trail connections.

Jeff Evans stated that by incorporating the trail system as part of the area would open options for ZAP tax, and he thinks UTA would be interested in increasing connectivity from the west side and having an important intermodal hub.

Tim Tingey stated that this is the first look at this issue, and there will be additional discussion during the next several meetings. He stated that there have been some excellent comments and input from the Commission, and he'd like everyone to have more time to think about the issue. He wants to take an aggressive approach through the next year in making these changes.

Karen Daniels stated that it's wise to be ready for when the markets come back.

There were no additional comments or questions from the Commission members. Tim Taylor thanked staff for their presentation.

Meeting adjourned.

Ray Christensen, AICP
Senior Planner